Previous references.
B. Aug 1905 Sel-6. Sanction
A. April 07 " 1-6 " 61-06

1907-8.

File No. 5 1-07

Serial Nos. 1-11

(Sep; Rev)

Later references.
Bombay Jud 09 Sept. 1213. same file
7. Sept 11 SS 16-17. G.R. 5107
Bgauy 13 Sept-4 SR 6512

5 (1)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 11

Part B. for April 09

SUBJECT.

Additional rules regulating the import, transport and export of opium and intoxicating drugs made from opium other than those used for smoking, in transit through the Mysore Territory from one portion to another of British Territory.

1) From the 2 A. Resident. no. 5142 dt 6.8.07 Communicates certain suggestions made by the Madras Govt in re rules of the Mysore Durbar on the subject noted above.

2) To the 2.A. Resident no. pol 4618 4 12/07 States that the verbal alterations suggested have been made in the Durbar rules and requests to be informed to what kind of consignments the exemption is intended to apply.

3) From the 2.A. Resident no 4618 dt 4 States that it applies to such consignments

G. R. S. 58

[illegible] akscia [illegible] not to those sent by rail
The Mysore rules are inoperative.
To the Excise Comm[r] no. 2L 4646 dt 6.3.08
Forwards copy of the above & dt 182 & calls for his remarks, if any, on cl (3).

From the Excise Comm[r] no. 7482 dt 9.3.08
Requests that the file of papers re jurisdiction (railway) may be sent for reference

To the Excise Comm[r] no. 5033 dt 6.4.08
Forwards a printed collection of the correspondence on the subject and requests him to expedite submission of the rep[t] under reference.

From the Excise Comm[r] no. 1262 dt 27.7.08
Submits his opinion in the matter.

1) To the D.A. Resident no. Pol 286 dt 22.10.08
Explains why the proviso to the Madras rules in respect of Mysore consignments was suggested and also why the addition of the proviso either to the Madras rules or the Mysore rules seems upon a further consideration unnecessary.

2) From the D.A. Resident no. 6088 dt 17.11.08
Enquires whether the Madras Govt may be told that the proviso in question is not needed in either in rules of Madras Govt or Rule of Mysore.

3) To the D.A. Resident no. 616 dt 1.2.09
Informs that the Durbar do not see any objection to the proposal made in para 4 of the above letter.

11) To the compiler Mysore Gazette
Notification no. 2L 2045 dt 28.4.09
Notifies certain additional rules in regard to the import, export, & transpa of opium & intoxicating drugs made thereform

G.R.S.11] 1907.

GENERAL AND REVENUE SECRETARIAT

(Sep Rev . .)

NOTES.

File No. 57-07

FILE HEADING.

Transport of Opium and allied drugs, from one part of a Native State to another through the intervening British territory and vice versa

From

The First Assistant to the Hon'ble the Resident in Mysore

No. 5172 Dated 6.8.07. Received 6.8.07.

Diary No. 533	Enclos.	Spare Copies	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Communicates certain suggestions made by the Madras Govt in regard to the draft rules of the Mysore Durbar on the question referred to above.

NOTES AND ORDERS.

1. The two Collections put up explain the previous history of the case.

2. On this Office letter no. Pol 908 & 11.4.07 to the Residency, forwarding a copy of the draft rules framed on the lines of the Madras Revenue

NOTES—First sheet

GPB—30,000 -3-4-07

Serial No.

Para under disposal para 4

is proposed to be inserted between 'opium' and 'intoxicating'. This makes no change difference in the meaning or effect of the rule, but makes it read better; and may therefore be adopted.

ii As regards rule 2 prohibiting the transportation of the articles in question except under a permit issued under the rules, the Madras Govt state that it is undesirable to apply the formalities of the rules to consignments of such articles passing through Mysore territory from one portion of British territory to another by rail without breaking bulk; and accordingly suggest that a proviso directing the non-application of the rules to the latter kind of consignments, may be added to the Rule. It is a matter for consideration whether a similar concession should not be got in the case of articles transported from one portion of Mysore to another through British territory; and it is doubtful whether the note to the Preamble in the Revenue Board Notification provides for such cases.

Para under disposal para 3

4 Lastly the 1st A. Resident enquires whether the arrangement proposed by the Madras Govt in regard to the consignments of opium passing from one Mysore Govt treasury

GPB—50,000—25-2-07

F. R. S. 121
General and Revenue Secretariat.

SO File No. 57 of 1907

Serial No.

The foregoing Correspondence otherwise Copies of the Affidavits of Jewels in the old Collections will have to be attached & sent to them

Time 14/8/07

8] Para 2 of the Residency letter.

As the rules are intended to regulate the import, transport and export of opium into British territory from one portion to another of a native State or a French Settlement, the absence of mention of 'French territory' in rule 4 was an omission and its insertion now is intelligible. With this addition the rules will apply to transport of opium from one portion of a native State or of a French territory to another then British territory. The necessity for the retention of 'British territory in addition to 'French territory' and "in a native State" is not clear. It is perhaps unnecessary for us to comment on this point, so long as the mistake in regard to the omission of 'Mysore' in rule 4 has been ~~rectified~~ rectified by the insertion of the words

NOTE—Contn. sheet.

GPB—50,000—17-3-07

Serial No.

Para 5 (1) What was asked for was not a copy of the form of permit that the Mysore Excise authorities have to issue in respect of opium passing from one portion of Mysore territory to another thro' British territory but of that to be issued by the Madras Excise Dept in support of opium passing thro' Mysore from one part of the Madras Presidency to another — The Madras Govt have misunderstood our request. They may be asked to send us a copy of the form of permit they would prescribe under rule 4 of the Mysore rules and not under rule 4 of the Madras rules. It may not be quite necessary to model our permit form on the Madras form and the Excise Commr may prescribe a suitable form under the Madras rule no 4. If this can be done we need not ask for a sample of the Madras form —

12 — There seems to be no objection to accept in respect of State Consignments the proposal contained in para 3 of the Residency letter of 10-11-06. The arrangement would suit

GPB—50,000—17-3-07

S. 12]
General and Revenue Secretariat.

File No. 51 of 1907

Serial No.

Again, what consignments should
the exemption apply. Underbond
consignments by Govt., Private consignments
in charge of Railway authorities &
consignments taken by hirers by rail
a further reference on this point appears
to be necessary.
The verbal alterations suggested in
para 4 of T. A. No. letter have
been made in the Spl. draft
but by oversight have been omitted
in the fair copy submitted to Govt.
The form of the Permit asked for
was that which would be prescribed
by the Madras Govt. under Rule 4
of the Explosive Rules.
16 In regard to Govt. consignments
if a reciprocal arrangement
can be made.

Sd/ Spurway
2/9/07.

No 7653 & 6 a Septr 1907
Enc 2 & 2 files

To forwarded to the Revenue Commissioner in Mysore for favor of remarks.

By Order
[illegible]
Asst Secretary

NOTE.—Contn. sheet.

GPB—50,000—17-3-07

G. G. S. 12]
General and Revenue Secretariat.

S. & R. File No. 57 of 1907

No. 22.

Serial No.

11/13/9

I am rather new to the subject but as far as I have been able to understand the papers, I agree to the suggestions made in the office note.

I may however remark that whether the transit be by road or by rail, the Condition that bulk should not be broken (in such transit) should be equally insisted upon.—

Accompany Revenue Commissioner

9-9-07.

20 Submitted to General Secy

A&R 14.9.07

mw

15/9/7

21 Please put up a draft reply to Residency.

CSB 17/7

mw 17-9-7

22 Draft submitted to Genl Secy

4614 4-10-07 mdpdr

A&R 26.9.07.

mw

29.9.7

23 Submitted

CSB 30/9/07

Draft approved

CSB 3/10

mw 7

No. 6160/16836 8.11.07

Note—Contin. sheet

25 Draft approved by Dewan

Dewan B.O. 29.11.07

CSB 7/11

26 Issue

CSB 30/11

GPI—50,000—25-2-07

G. S. 12]
General and Revenue Secretariat.

File No. 5 / of 1907

Serial No.	
2	To the First Assistant Resident No. Pol 441 dated 4/12/07. States that the verbal alterations suggested in his letter have been made in the rules framed by the Durbar, that the Durbar accept the arrangement proposed in his letter No. 6422 dt 10/11/06 re: Mysore state consignements, that the Durbar would be glad if an exemption ~~in respect~~ for the transport from the operation of the rules ~~for the consignment~~ of ~~articles~~ opium & other allied drugs ~~passing~~ by rail, be made ~~also~~ in respect of consignments ~~the case~~ of opium & other drugs not used for smoking, which pass thro' British Territory wholly or partly by rail from one portion of Mysore Territory to another, and observes that before giving a final opinion in the matter, the Durbar would be glad to be informed to what kind of consignments exactly the exemption is intended to apply.
3	From the 1st A. Resident No 961 dt 28/2/08

NOTE—Contn. sheet

GPB—50,000—25-2-07

G. R. S. 12]
General and Revenue Secretariat.

File No. 51 of 1907

Serial No.

Rules that it is presumed that it is sought to make the rules applicable to such consignments of opium as may have to pass from Travancore to Maddapore by road thro the intervening Madras territory Taluk of the Bellary District and not to such consignments sent by rail from one portion of the Mysore State to another thro Madras Territory in as much as the Mysore opium rules would be in operation on the Bangalore Branch of the Mysore Ry which is under Mr. jurisdiction and requests to be informed whether this presumption is correct.

2) The question is (1) the addition of a proviso to the Madras Rule 2 similar to that proposed by that Govt to Mysore Rule 2 & (2) the nature of the Consignment should

NOTE—Contn. sheet.

GPB—50,000—17-3-07

(164

G. R. S. 12]
General and Revenue Secretariat.

SSR File No. 51 of 190

Serial No.	
	(Memo 3 pkts)
	Referred to Madras Consign-
	ments of Coloalenen Kind Passing
	over Railways.
	2) The Recise Comp Manager
	Consulted as to whether the
	presumption refd to in the
	letter under disposal, is Correct
	The previous Consultations was
	made unofficially
	Submitted for orders
	Recd 29/2/08
	20/2/08
	MR 27/2
	Draft-sent
	Recd 29/2/08
	28/2/08
	MR 29/2
4	To the Recise Comr
	No 71 4446 of 6/3/08
	Forwards copy of the above &
	copies of Nos 1 & 2 and calls for his
	remarks if any on 3.
5	From the Recise Comr
	No 1680 of 9/3/08
	Requests that the file of proceed-

NOTE—Contn. sheet.

GPB—50,000—17-3-07

[G. R. S. 12]
General and Revenue Secretariat.

File No. 5 (of 190)

Serial No.

relating to the question of the Rly jurisdiction may be sent for reference.

Mis. Reg. No 153 & 18-3-08

33 Hr V requested to send for the file or to note the file no &c. if it is in the Records.

True
18/3

Please consult Branch III. The references required do not seem to belong to this Branch.

US.
18/3/08.

NR
18.3.08

34 Hr III for kind compliance.

True
18/3

The file required, it is ascertained, is before the Diwan in connection with ~~the~~ the file relating to the Report on the working of the Mines Regulation.

B. E.
20-3-08.

20/3/08

Filed for orders

37 Hr L-G obtained from Hr V.L. Rao returned to him on 30/3/08. A [illegible] collection of the correspondence obtained from the Records was sent to Hr Cowie

30/3/08

True
30/3

NOTE—Contn sheet.

GPB—50 000—17-3-07

G. R. S. 12]
General and Revenue Secretariat.

S. R. File No. 51 of 1907-08

Serial No.	
3	Draft forwarding ~~that~~ a printed collection of the correspondence re: Ry jurisdiction, to the Excise Commissioner, is submitted. 30/3. 3/4 Issue 1.4.08 31/3 No. 5033 dt 6.4.08. To the Excise Comr forwards a printed collection of the correspondence on the subject and requests him to expedite the submission of the reply under reference.
6	
7	From the Excise Comr No 1262 dt 27/7/08 States that if the Madras Govt think that the provisions should be added to rule 2 and consequent deletion of the rules all consequential changes provided there. Suppose Revenue be paid from one portion of Pr. Revenue to another without breaking bulk it will be necessary as a matter of reciprocity, that a similar provision Mutatis Mutandis should be added to Madras Rules -

NOTE—Contn. sheet.

GPB—50,000—17-3-07

Serial No.

13 Our conclusion is that if Consignments going by rail without breaking bulk from one part of the British Territory to another through Mysore should be exempt from the operation of the rules in question it is but fair that Consignments going from one part of Mysore to another there. For Territory should equally be entitled to the exception. The object of the exception appears to be to avoid the inconveniences arising from subjecting Consignments to examination on the way: (the prevention of smuggling is perhaps another object but we are not concerned with this aspect of the matter as the British authorities will make such arrangements as they may consider necessary while Consignments pass through their territory) ~~Mysore~~

14 The exact object of the enquiry made in para 2 of the Residency letter of the 8th Feb. 1908

GPB—50.000—18-5-08

Serial No.

is not clear. It does not seem to have been the intention to claim any exemption in respect of Consignments going by road as in the case of Pennagoda & Maddagiri mentioned in this para. But cases may arise when Consignments may have to go by rail from one part of Mysore to another thro. Br. Territory. For instance when Consignments have to go to Pennagoda from Bangalore it is convenient to send them by rail through Punakonda. In this case a Consignment would pass thro. Br. Territory by rail and the exemption from the operation of the rules claimed by us would apply to a case of this kind.

4 5) The portion of the letter referring to Madras Territory and the question of Railway jurisdiction of the Dewkaris not understood. If the Dewkaris have no jurisdiction over the Bangalore Branch of the Mysore

NOTE—Contn. sheet.

GPB—50.000—13-5-08

Serial No.

What specific point, the Govt of Br. Ind is required to. As I understand the question, it comes to this: The Madras Govt. asks that the rules should not apply in cases of Consignments passing by rail through Mysore territory. We answered we would do that, provided a similar reciprocal ~~Conc~~ Concession is granted to us. The Resy ~~do not~~ seems to be under the impression that such cases involving reciprocity will not arise as the only ~~other~~ case where British territory comes in between two portions of Mysore territory is Madakasira taluq of the Bellary Dt which comes in between Maddagiri & Savandrug and here in this case it is not a question of transport by rail but by road. That is how I understand the Resy letter of the 18th Feb. 08. But we have to point out that other cases may arise such be as between Bangalore & Savandrug via Penukonda. The Jurisdn over the Rly lines from Harihar to Bangalore & Yeswantapur to Hindupur

NOTE—Contn. sheet.

GPB—50.000—13-5-08

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Submitted to Secretary.

53 Before submitting this case to the Dewan it may be kindly noted (1) whether the statement in the First Assistant Resident's letter that "the Mysore Opium Rules would be inoperative on the Bangalore Branch of the Mysore Railway which is under British jurisdiction" is accepted. If it is (2) correct, I presume our Excise rules will also not apply on that line; (2) how then do we issue licenses for Railway Refreshment Rooms at Bangalore City Station, Arsikere Station &c.?

ku
2.9.08.

P.S. ~~The D~~ I submit the file to the Dewan; he desires to have the above information

ku

B V Ramani

3-9-8

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—30,000—1144.06

Serial No.

54

The Mysore Railway and the Mysore Government would be in reference to the Kadur branch of the Mysore Railway which is under British jurisdiction has already been completed in accordance with the Darbar's Order of 3/4/93 (Pages 49 & 50 of the printed Collection put up) & Govt. of India Order No 507 I of 6/2/96 (Page 52 of the said Collection).

2.55) As regards the issue of licenses by the Darbar for the Railway refreshment rooms there do not seem to be any papers on the question of the Darbar's right to issue such licenses. It has however been a long standing practice for us to issue such licenses. From the Correspondence in the printed Collection put up it seems that over the limits Criminal & Police jurisdiction were transferred to the

NOTE—Contn. sheet.

GPB—50.000—18-5-08

Serial No.	
	British Govt. accepted that such Cession does not tantamount to [illegible] territory to deprive [illegible] of all [illegible] exercised within the Railway limits [illegible] question of [illegible] possession in effect in respect [illegible] Stores [illegible] Railway limits

GOVERNMENT OF MYSORE

17.9.08

My dear Balasundaram Iyer,

I would suggest your looking into this file & reserving it for Mr Chandrasekhara Aiyar. The note of 17.9.08 does not seem to meet the point raised in my Note of the 2nd. Are we to abandon our Excise Revenue also on the Railway?

Yours sincerely
[illegible]

Minute 7/9/08

[illegible] Secretariat file referred to [illegible] 8.9.08

[illegible] has been submitted.

This file may be [illegible]

10-3-89

16/9/08

The plenary jurisdiction over the lines of railway under acquittance having been ceded to the British Govt. there is no law or legal authority under which

NOTE—Contn. sheet.

6

GPB—50,000—18-5-08

Serial No.

the Bysone Govt. can recover licence fees in regard to the re-freshment rooms situated within the premises of such railway lines. Such recovery in the past appears to have been ~~a~~ a perfect custo-mary one; & if it is considered advisable to raise the question formally in the Legislature, I feel little doubt personally that the result will be unfavourable to the further continuance of the system.

5. The point with which we are immediately concerned in the present file is a much more limited one, Viz. whether the Bysone Opium Rules are in force on the ceded lines of railway. As these rules were promulgated on the 19th May 1900, whereas the cession of jurisdiction took place ~~on the~~ with effect from the 1st July 1893, there is, in my opinion, every warrant for the statement ~~made~~ mentioned in the D. A. Resident's letter about the said rules not being operative on the railway lines in question.

NOTE—Contn. sheet.

GPB—50,000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

File No. 51 of 1907 — 27

Serial No.

6) To revert to the question of taxation, the right to levy a tax is one conferred by Statute*, & where the cession of jurisdiction reserves (in the absence of express reservation to the contrary) the power of the right to administer existing laws, fiscal & other, as well as of the right to promulgate new laws. I know of no instance in which the Supreme Court has been permitted to exercise either right on ceded territory after the date of the cession of jurisdiction.

* including an order of the Governor raising the free of value.

banning doubtful cases and yet the subject of customs, such as existing refreshment rooms.

19.9.

8274/19.9.1908

6) It is well to enquire the discussion of the transport without breaking bulk of excise articles.

10440/21/9/08

To the J. A. Resident.
Pol. 286 & 22-10-08.
For observations by the progress

NOTE—Contn. sheet.

GPB—50,000—15-5-08

Serial No.

To the Madras rules regarding
of Mysore Consignments was
suggested and also when the
addition of the proviso either
to the Madras rules or the Mysore
rules seems upon a further
consideration unnecessary

9 From the Resident
in Mysore
No 6068 of 17/11/08
Enquiries for reasons
stated whether the Madras Govt
may be told that the proviso
in question is not needed either
in rules of Madras Govt or those
Mysore

10 The Resident may it seems
be replied in the affirmative.
A draft is submitted accordingly for
approval or otherwise

Issue 65 It seems that the
18/11/08 Mysore rules also
(T) may now issue

Secretary

Note—Contn. sheet.

GPB—50,000—18-5-08

Genl Secy

20-11-8

No. 5172

From

F. P. RENNIE, Esq., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 6th August 1907.

Sir,

I am directed to acknowledge the receipt of Mr. Chandrasekhara Aiyar's letter No. 908, dated the 11th April 1907, on the subject of draft rules framed for regulating the transport of opium and allied drugs from one portion of British territory to another across intervening Mysore territory and vice versa.

2. Adverting to the Durbar's suggestion in paragraph 2 of the letter under acknowledgment, I am to say that instructions have been issued by the Madras Government to substitute for the words "licensed to vend in British territory" occurring in the rule the words "duly licensed to vend in Britis or French territory or in a Native State".

3. Referring to the rules framed by the Durbar a copy of which has been forwarded with the letter under reply, the Madras Government observe that it is undesirable to apply the formalities prescribed by the rules to consignments of opium and other drugs not used for smoking, which pass through Mysore territory from one portion of British territory to another without breaking bulk. They accordingly suggest tha

a proviso may be added to rule 2 to the following effect :-

"Provided that this rule and the following rules 3 to 17 shall not apply to consignments of opium or intoxicating drugs made from opium other than those used for smoking passing through Mysore territory by rail from one portion of British territory to another without breaking bulk".

4. In rule 6 the Madras Government point out that the word "or" should be inserted between the words "opium" and "intoxicating drugs" and in rule 15 that, as Officers of the Mysore State are authorised to inspect consignments in transit only in Mysore territory and not in British territory, the word "British" occurring in the rule should be replaced by the word "Mysore".

5. With reference to the request contained in paragraph 3 of the letter under acknowledgment, the Madras Government state that no form has been prescribed by them for the permits referred to in rule 4 of the Madras Regulations as these permits are required to cover consignments from one portion of a Native State to another and should therefore be prescribed and printed by the authorities of the Native State. In this connection I am to enquire whether the Durbar have accepted the arrangements proposed in paragraph 3 of my letter No.6422, dated the 10th November 1906, regarding consignments of opium passing from one Mysore Government treasury to another through intervening British territory.

6. I am directed to convey to the Durbar the thanks of His Excellency the Governor in Council for the readiness with which the Durbar have co-operated with the Government of Madras in this matter.

I have the honour to be,

Sir,

Your most obedient servant,

J P Rennie

First Assistant Resident.

(3)

G. S. 26]

File No. 57/07
Serial No 2

Diary No. of letter replied to 533

Pol. No. 447

General and Rev. Secretariat
(NP)
, the 190 .

To

The J.A. Resident
in Mysore

Date of issue 4-12-07.

Signed by
Mr. C.S. Balasundaramiyer

Sir,

With reference
to the correspondence
ending with your
letter no 5172 dt 6/8/07
on the subject of the
draft rules framed
for regulating the

over.

SUBJECT.

4

Transport of opium and allied drugs from one portion of the British territory to another across intervening Native Territory and vice versa. I am directed to state that the verbal alterations suggested in para 4 of your letter have been made in the rules framed by the Durbar, and that the Durbar also accept the arrangement proposed in para 3 of your letter No 6422 of 10/11/08 as regards the Native State Consignments. is also accepted by them.

As regards the

List of enclosures,

Nil

Copied by

Examined by

MGCPB—20,000-19-12—04.

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

licences by rail.

MGCPB—30,000—5-4-05.

8

861 Pol: 1147

D 18-2-08

No. 961.

D 3095

SR 51-07-3

FROM

F. P. RENNIE, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 18th February 1908

SIR,

I am directed to invite a reference to Mr. Balasundaram Iyer's letter Pol. No. 447, dated the 4th December 1907, regarding the draft rules framed for regulating the transport of opium and allied drugs from one portion of British territory to another across intervening Mysore territory and vice versa and to reply as follows.

2. It is presumed that it is sought to make the rules applicable to such consignments of opium as may have to pass from Pavagada to Maddigiri by road through the intervening Madaksira taluk of the Bellary District, and not such consignment sent by rail from one portion of Mysore State to another through Madras territory inasmuch as the Mysore Opium Rules would be inoperative on the Bangalore Branch of the Mysore Railway which is under British jurisdiction. I am to request the favour of being informed whether this presumption is correct.

I have the honor to be,
Sir,
Your most obedient servant,

J. F. Rennie

First Assistant Resident.

NNM

Office of the Excise Commissioner
in Mysore,

No. 7482 Dated Bangalore 9th March 1908.

From

H.H.Sparkes, Esquire,
Excise Commissioner, in Mysore.

To

C.S.Balasundram Iyer, Esquire, B.A.,
Offg: Secretary to the Government of His Highness
the Maharaja of Mysore. General and Revenue Depts. .

Sir,

Adverting to your letter No.Fl.4446/S.R.51-07-4, dated 6th Instant regarding the rules for the transport of opium and allied drugs from one portion of a British Territory to another through intervening Mysore Territory and vice versa, I have the honor to request that the file of papers relating to the question as to Government in which the Railway Jurisdiction vests may kindly be sent for reference. A very early reply is requested.

I have the honor to be,
Sir,
Your most obedient Servant,

H.H.Sparkes

Excise Commissioner, in Mysore.

12

G.R.S. 26]

Sus 192

File No. 51/07
Serial No. 6

Diary No. of letter replied to 3424

No. H 5033
& 6th April 08

General and Revenue Secretariat
( )
, *the* 190 .

To The Excise Commissr
in Mysore

Date of issue 6-4-08

Signed by WC Venkata Rao

Sirs

With reference to
your letter No. 7482 & 9/3/08
requesting that the file
of papers relating to the
question as to Opium in
which the Railway juris-
diction rests, may kindly
be sent for reference for
giving your opinion re:
the rules for the transport
of opium and allied
drugs from one portion
of the British Territory to
another through intervening

over.

SUBJECT.

Copied
FH. 5/4.

~~British Honduras Territory~~

~~and vice versa~~, I am

directed to forward herewith a

~~file noted~~ printed

collection of the correspondence

on the subject, and to request you

to expedite the submission

of the reply under reference.

I have etc

for Secy.

30/3

List of enclosures.

Copied by

Examined by

MGCPB—30,000—16-2-05

territory by rail from one portion of British territory to -- another wothout breaking bulk, it will be necessary, as a matter of reciprocity, that a similar proviso mutatis mutandis should be added to Rule 2 of the Madras Rules.

3. In conclusion I would add that the proposed exemption should be made to apply only to Under-bond consignments sent by Government by rail and to consignments in charge of the Railway authorities but not to consignments taken by rail by licensees of shops.

I have the honor to be,

Sir,

Your most obedient servant,

A. Venkata

fr Offg: Excise Commissioner

in Mysore.

Clean Draft

SM 51-07-8(8)

To

The First Assistant to the
Hon'ble the Resident in Mysore.

Fol. No. 286.
D 22-10-07

Sir,

With reference to the correspondence ending with your Office letter No. 961 dated 18-2-1908 regarding the rules for the transport of Opium and allied drugs from one portion of British Territory to another through intervening Mysore Territory and vice versa, I am directed to state as follows:-

Grades Mib
N

2. The Madras Rules are applicable not only to consignments passing by road between Maddagiri and Pavagada through the intervening Madakasira Taluk of the Madras Presy but also to consignments passing from Bangalore to Pavagada by rail and road through Hindupur and Penukonda in the Madras Presy. It was for this reason that the Durbar requested in their letter No. Pol 447 dated 4-12-07 that exemption from ~~deviation~~ operation of the

portion of British Territory to another through Mysore wholly by rail so as to require the application of an exemption as proposed.

As regards transport by road whether wholly or in continuation of transport by rail the rules will of course have to be strictly applied.

4. In the next place even if an exemption as above is still considered necessary it should, in the opinion of the Durbar, be limited to consignments made by Govt and should not be extended to consignments by private parties. In the latter case it seems necessary to have some guarantees such as those provided by rules 4, 6, 8, 10, 12, 13, 14 & 15 of the Mysore rules to ensure that the consignments really pass through intervening Mysore Territory and that no facilities

No. 6068.

FROM

T. B. COPELAND, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 17th November 1908

SIR,

I am directed to acknowledge the receipt of Mr. Chandrasekhara Iyer's letter Pol. No.286 dated the 22nd October 1908, regarding the rules for the transport of opium and alli drugs from one portion of British territory to another throug intervening Mysore territory and vice versa.

2. It has been ascertained from the Madras Government th the proposed proviso to rule 2 of the Mysore rules, which is referred to in paragraph 3 of this office letter No.5172 date 6th August 1907, was intended to cover the case of Government consignments sent in charge of the Railway authorities by rai from Madras to the Bangalore Cantonment (Civil and Military . Station). As the Bangalore Branch of the Madras and Southe: Mahratta Railway Company is under British jurisdiction and th Mysore Opium rules are consequently inoperative on that line, ~~and~~ the proposed proviso is not required.

3. With regard to the suggestion made by the Durbar tha a similar proviso should be inserted in the Madras rules, it appears from paragraph 2 of the letter under acknowledgment that there can be no instance of the conveyance, wholly by-ra through British territory, of a consignment of opium from one portion of the Mysore State to another, and since the Durbar

Durbar themselves hold that in the case of a journey partly by road and partly by rail, no relaxation of the rules should be allowed, the necessity for the suggested proviso is not apparent.

3. In these circumstances, I am to say that, if the Durbar see no objection, the Resident proposes to inform the Government of Madras that the proviso in question is not needed either in the rules of the Madras Government or in those of the Mysore State.

I have the honour to be,

S i r,

Your most obedient servant,

T Copland

First Assistant Resident.

S.I.

NOTIFICATION.

No. Fl. 7045—*S. R.* 51-07-11, *dated* 28*th April* 1909.

In exercise of the powers conferred by section 5 of the Opium Act, 1878 (1 of 1878) and in continuation of Notification No. 8198—Ex. F. 21-9, dated Bangalore, 19th May 1900, the Government of His Highness the Maharaja of Mysore are pleased to make the following additional Rules to regulate the import, transport and export of opium and intoxicating drugs made from opium other than those used for smoking in transit through Mysore Territory from one portion to another of British Territory.

Rules.

1. The transport from foreign territory through Mysore territory of intoxicating drugs prepared from opium and used for smoking is absolutely prohibited.

2. No opium or intoxicating drugs made from opium other than those used for smoking, shall be transported through Mysore territory except under, and in accordance with, a permit issued in accordance with the following rules.

3. Except in the case of permits issued to persons licensed to vend in British territory, no permit shall cover the transport of more than three tolas of opium, or intoxicating drugs made from opium other than those used for smoking.

4. The permits recognised under these regulations shall be in printed forms and in duplicate. Each permit must bear a consecutive number and must be sealed with the private seal of the officer issuing the permit in addition to his office seal.

5. The period of currency of a permit must be regulated according to the distance the drug is transported, one day being allowed for every 15 miles by road or 70 miles by rail in addition to one day for despatch and one day for delivery in the case of consignments sent by rail.

6. Every consignment transported through Mysore territories under these regulations shall be accompanied by its permit, which must show the name of the transporter, the quantity of opium or intoxicating drugs covered by it, the route of transport, the period of currency and the officer before whom it should be taken for verification.

7. Whenever a permit is issued, the duplicate thereof, which should bear the impression of the same seals as have been placed on the original permit and on the consignment should be forwarded by the officer issuing the permit to the officer appointed to verify the consignment.

8. Every package to be transported through Mysore territories under these regulations shall be sealed and the seals used shall be the same as those impressed on the permit (see Rule 4).

9. Permits for transport under these rules shall not be recognised unless they are issued by officers specially appointed in that behalf by name or designation by the Chief Excise Officer of the territory in which the officers are to exercise their functions.

10. Every consignment will be verified on arrival at its destination by an officer appointed for the purpose by the Chief Excise Officer of the territory to which the consignment is transported.

11. Every officer appointed or authorized to issue permits under Rule 9 *supra* must be kept informed of the name and designation of all officers authorized under Rule 10 to verify consignments.

12. The names or designations of all officers appointed to issue permits and to verify consignments will be communicated to the Deputy Commissioner, Excise Department, of the district which the British territory adjoins.

13. The officer issuing permits under Rule 9 *supra* should furnish the Inspector through whose Range the consignments are to be transported with a monthly list of permits issued in a form showing the names of the transporters, the numbers of the permits, the dates on which they were issued, the route by which the consignments were required to be transported and the quantity covered by the permits.

14. On the arrival of the consignment at its destination, it shall be verified by the officer appointed for the purpose under Rule 10 *supra*. He will examine the seals and weigh each package before opening it. He will then open each package and satisfy himself that the contents agree both as to nature and weight with the entries in the permit and will enter the results of his verification on the reverse of the original and the duplicate permits, will return the original permit to the transporter and will forward the duplicate to the Excise Inspector of the Range across which the consignment has been transported for transmission to the officer who issued it.

15. Any Land Revenue officer not inferior in grade to a Shekdar, any Excise officer not inferior in rank to a Sub-Inspector, or any Police officer not inferior in grade to a Daffadar may inspect any consignment in transit in Mysore territory and when he does so shall note on the reverse of the permit the condition of the packages and seals.

16. Any person found transporting opium or intoxicating drugs in contravention of these regulations will be dealt with in accordance with section 9 of the Opium Act.

17. No person who is found to have committed any breach of these Regulations shall be allowed to transport drugs through Mysore territory under a permit issued in this behalf, and the name of any person detected in the commission of any such breach shall forthwith be communicated by the officer detecting the offence to the Excise Divisional Officer of the district concerned who will arrange with the Chief Excise Officer of the territory from which the offender brought his opium or intoxicating drugs as the case may be for the intimation of the offender's name to all persons authorised to grant permits. If any such person be subsequently found transporting opium or introxicating drugs even under a permit, such consignment shall be liable to confiscation.

By Order,

K. S. CHANDRASEKHARA AIYAR,

Secy. to Govt., Gen. & Rev. Depts.